

Consequences of DUI

The Commission on VASAP



(12/04)

<i>Offense</i>	<i>Fine</i>	<i>Possible Jail Sentence</i>	<i>Mandatory Incarceration (no suspension)</i>	<i>License Suspension</i>	<i>VASAP Referral</i>	<i>Ignition Interlock</i>
1ST (Class 1 Misdemeanor)	\$250 to \$2500; (\$250 mandatory)	0 to 1 year	5 days (if BAC \geq .15); 10 days (if BAC > .20)	1 year; (restricted license possible) ¹	Mandatory	Optional; (mandatory if BAC \geq .15) ⁷
2ND within 5 years; (Class 1 misdemeanor)	\$500 to \$2500; (\$500 mandatory; \$1000 mandatory if BAC \geq .15)	1 month to 1 year	20 days; 30 days (if BAC \geq .15); 40 days (if BAC > .20)	3 years; (restricted license possible after 1 year) ¹	Mandatory	Mandatory ⁷
2ND within 5 to 10 years; (Class 1 misdemeanor)	\$500 to \$2500; (\$500 mandatory; \$1000 mandatory if BAC \geq .15)	1 month to 1 year	10 days; 20 days (if BAC \geq .15); 30 days (if BAC > .20)	3 years; (restricted license possible after 4 months) ¹	Mandatory	Mandatory ⁷
3RD within 5 years; (Class 6 felony)	\$1000 to \$2500; (\$1000 mandatory)	1 year to 5 years in prison or up to 12 months in jail	6 months	Indefinite revocation ⁵	N/A	N/A
3RD within 5 to 10 years; (Class 6 felony)	\$1000 to \$2500; (\$1000 mandatory)	1 year to 5 years in prison or up to 12 months in jail	90 days	Indefinite revocation ⁵	N/A	N/A
4TH or subsequent within 10 years; (Class 6 felony)	\$1000 to \$2500; (\$1000 mandatory)	1 year to 5 years in prison or up to 12 months in jail	1 year	Indefinite revocation ⁵	N/A	N/A
Refusal 1ST offense; (non-criminal violation)	N/A	N/A	N/A	1 year; no restricted ¹⁰	N/A	N/A
Refusal within 10 years of qualifying offense; (Class 2 misdemeanor) ¹¹	\$0 to \$1000	Up to 6 months	N/A	3 years; no restricted ¹⁰	N/A	N/A
Refusal within 10 years of two or more qualifying offenses; (Class 1 misdemeanor) ¹¹	\$0 to \$2500	Up to 12 months	N/A	3 years; no restricted license ¹⁰	N/A	N/A

(over)

Notes:

1. **Restricted License Options:** (a) to and from work; (b) to and from ASAP/alcohol rehabilitation; (c) during the scope of work (if necessary for employment); (d) to and from school; (e) for medically necessary health care services; (f) to transport minor children to and from school, day care, or health care; (g) to transport elderly parents to medically necessary health care; (h) to and from court-ordered visitation with a minor child; (i) to a drug screening program; (j) to and from court appearances when subpoenaed as a witness or party; (k) to and from appointments with a probation officer or other court-ordered probationary programs.

[Restricted licenses may not be issued to operate commercial motor vehicles.]

2. **Zero Tolerance** – Persons under age 21 driving with a BAC \geq .02 will have their license suspended for a period of 6 months and may receive a fine of up to \$500. A restricted license may be issued at the discretion of the court if the offender attends ASAP.
3. **Trauma Center Fund** - Persons convicted of a second or subsequent DUI must pay an additional \$50 fee to the Trauma Center Fund.
4. **Transporting Juveniles** - Persons convicted of DUI while transporting another person(s) 17 years of age or younger shall receive an additional \$500 - \$1000 fine and a mandatory minimum period of confinement for five days.
5. **License Restoration For Indefinite Revocation** - Persons convicted of a third or subsequent DUI offense may petition for a restricted license three years after the conviction. An evaluation must be conducted by VASAP. After five years, a person may petition for full license restoration, with a VASAP evaluation. Ignition Interlock is required for a minimum of 6 months under either circumstance.
6. **Administrative License Revocation** – Upon arrest for DUI, a driver's license will be immediately suspended for seven days if the driver refuses to take the breath test or the results of the breath test indicate a BAC \geq .08 (\geq .02 if the driver is under 21 years of age). If the driver is charged with a second offense, the suspension is for 60 days or until time of trial (whichever time period is less). If the driver is charged with a third or subsequent offense, the suspension is until time of trial.
7. **Ignition Interlock** – Ignition interlocks may be required for 1st-time DUI offenders at the discretion of the court. Ignition interlocks are required for second and subsequent offenders as well as for all offenders with a BAC \geq .15. Ignition interlocks must be installed on every vehicle that is owned by, or registered to, the offender. The cost of the device must be paid by the offender. Ignition interlocks will remain on vehicles for a minimum of 6 months.
8. **DUI Restricted Licensee Operating After Consuming Alcohol** – § 18.2- 272 (B) has been expanded where offenders who drive within their lawful restriction with a BAC \geq .02, will be guilty of a Class 1 misdemeanor. Upon conviction they will have their license administratively suspended by DMV for an additional period of 1 year without possibility of a restricted license.
9. **Vehicle Seizure and Forfeiture** – The vehicle solely owned and operated by the accused during the commission of a felony violation of 18.2-266 shall be subject to seizure and forfeiture upon conviction of the offense and exhaustion of all appeals.
10. **Consecutive Suspensions** - In any case where an offender is convicted of both DUI and refusal, the DUI suspension will run consecutively with the refusal suspension.
11. **Qualifying Offenses For Enhanced Refusal Penalties** – Any person who is convicted of refusal committed within 10 years of a conviction of certain qualifying offenses may be subject to enhanced penalties. Some qualifying offenses include: 18.2-266 (DUI), 18.2-268.3 (Refusal), 18.2-36.1 (DUI Manslaughter), 18.2-51.4 (DUI Maiming), and subsection (A) of 46.2-341.24 (DUI Commercial Motor Vehicle).